

Union Calendar No. 433

110TH CONGRESS
2D SESSION

H. R. 4749

[Report No. 110-689]

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2007

Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 5, 2008

Additional sponsor: Mr. SALI

JUNE 5, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on December 17, 2007]

A BILL

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Bombing Pre-*
 5 *vention Act of 2008”.*

6 **SEC. 2. BOMBING PREVENTION.**

7 *(a) IN GENERAL.—Subtitle A of title II of the Home-*
 8 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*
 9 *by adding at the end the following new section:*

10 **“SEC. 210F. OFFICE FOR BOMBING PREVENTION.**

11 *“(a) IN GENERAL.—The Secretary shall establish with-*
 12 *in the Protective Security Coordination Division of the Of-*
 13 *fice of Infrastructure Protection of the Department an Of-*
 14 *fice for Bombing Prevention (in this section referred to as*
 15 *‘the Office’).*

16 *“(b) RESPONSIBILITIES.—The Office shall have the*
 17 *primary responsibility for enhancing the ability, and co-*
 18 *ordinating the efforts, of the United States to deter, detect,*
 19 *prevent, protect against, and respond to terrorist explosive*
 20 *attacks in the United States, including by—*

21 *“(1) serving as the lead agency of the Depart-*
 22 *ment for ensuring that programs designed to counter*
 23 *terrorist explosive attacks in the United States func-*
 24 *tion together efficiently to meet the evolving threat*
 25 *from explosives and improvised explosive devices;*

1 “(2) coordinating national and intergovern-
2 mental bombing prevention activities to ensure those
3 activities work toward achieving common national
4 goals;

5 “(3) conducting analysis of the capabilities and
6 requirements necessary for Federal, State, local, and
7 tribal governments to deter, prevent, detect, protect
8 against, and assist in any response to terrorist explo-
9 sive attacks in the United States by—

10 “(A) maintaining a national analysis data-
11 base on the capabilities of bomb squads, explosive
12 detection canine teams, tactics teams, and public
13 safety dive teams; and

14 “(B) applying the analysis derived from the
15 database described in subparagraph (A) in—

16 “(i) evaluating progress toward closing
17 identified gaps relating to national strategic
18 goals and standards; and

19 “(ii) informing decisions relating to
20 homeland security policy, assistance, train-
21 ing, research, development efforts, testing
22 and evaluation, and related requirements;

23 “(4) promoting secure information sharing of
24 sensitive material and promoting security awareness,
25 including by—

1 “(A) operating and maintaining a secure
2 information sharing system that allows the shar-
3 ing of critical information relating to terrorist
4 explosive attack tactics, techniques, and proce-
5 dures;

6 “(B) educating the public and private sec-
7 tors about explosive precursor chemicals;

8 “(C) working with international partners,
9 in coordination with the Office for International
10 Affairs of the Department, to develop and share
11 effective practices to deter, prevent, detect, pro-
12 tect, and respond to terrorist explosive attacks in
13 the United States; and

14 “(D) executing national public awareness
15 and vigilance campaigns relating to terrorist ex-
16 plosive threats, preventing explosive attacks, and
17 activities and measures underway to safeguard
18 the United States;

19 “(5) assisting State, local, and tribal govern-
20 ments in developing multi-jurisdictional improvised
21 explosive devices security plans for high-risk jurisdic-
22 tions;

23 “(6) helping to ensure, in coordination with the
24 Under Secretary for Science and Technology and the
25 Administrator of the Federal Emergency Management

1 *Agency, the identification and availability of effective*
2 *technology applications through field pilot testing and*
3 *acquisition of such technology applications by Fed-*
4 *eral, State, local, and tribal governments to deter,*
5 *prevent, detect, protect, and respond to terrorist explo-*
6 *sive attacks in the United States;*

7 *“(7) coordinating the efforts of the Department*
8 *relating to, and assisting departments and agencies of*
9 *Federal, State, local, and tribal governments, and*
10 *private sector business in, developing and imple-*
11 *menting national explosives detection training, cer-*
12 *tification, and performance standards;*

13 *“(8) ensuring the implementation of any rec-*
14 *ommendations in the national strategy required*
15 *under section 210G, including developing, maintain-*
16 *ing, and tracking progress toward achieving objectives*
17 *to reduce the vulnerability of the United States to ter-*
18 *rorist explosive attacks;*

19 *“(9) developing, in coordination with the Ad-*
20 *ministrator of the Federal Emergency Management*
21 *Agency, programmatic guidance and permitted uses*
22 *for bombing prevention activities funded by homeland*
23 *security assistance administered by the Department;*
24 *and*

1 “(10) *establishing and executing a public aware-*
2 *ness campaign to inform the general public and pri-*
3 *vate sector businesses on ways they can deter, detect,*
4 *prevent, protect against, and respond to terrorist ex-*
5 *plosive attacks in the United States, that—*

6 “(A) *utilizes a broad spectrum of both*
7 *mainstream and specialty print, radio, television*
8 *outlets, and the Internet;*

9 “(B) *utilizes small and disadvantaged busi-*
10 *nesses, as defined under the Small Business Act*
11 *(15 U.S.C. 631 et seq.); and*

12 “(C) *ensures that the public awareness mes-*
13 *sages under the campaign reach and are under-*
14 *standable to underserved populations, includ-*
15 *ing—*

16 “(i) *persons with physical and mental*
17 *disabilities, health problems, visual impair-*
18 *ments, hearing impairments, limited*
19 *English proficiency, and literacy barriers;*

20 “(ii) *socially and economically dis-*
21 *advantaged households and communities;*

22 “(iii) *the elderly; and*

23 “(iv) *children.*

24 “(c) *LIMITATION ON STATUTORY CONSTRUCTION.—*
25 *Nothing in this section shall be construed to affect the au-*

1 *thority of the Administrator of the Federal Emergency*
2 *Management Agency.*

3 “(d) *AUTHORIZATION OF APPROPRIATIONS.—*

4 “(1) *IN GENERAL.—There are authorized to be*
5 *appropriated to carry out this section—*

6 “(A) *\$10,000,000 for fiscal year 2009;*

7 “(B) *\$25,000,000 for each of fiscal years*
8 *2010 through 2012; and*

9 “(C) *such sums as may be necessary for*
10 *each subsequent fiscal year.*

11 “(2) *AVAILABILITY.—Amounts made available*
12 *pursuant to paragraph (1) are authorized to remain*
13 *available until expended.*

14 “(e) *ENHANCEMENT OF EXPLOSIVES DETECTION CA-*
15 *NINE RESOURCES AND CAPABILITIES.—To enhance the Na-*
16 *tion’s explosives detection canine resources and capabilities*
17 *the Secretary of Homeland Security shall, by partnering*
18 *with other Federal, State, local, and tribal agencies, non-*
19 *profit organizations, universities including historically*
20 *black colleges and universities and minority serving institu-*
21 *tions, and the private sector—*

22 “(1) *within 270 days after the date of the enact-*
23 *ment of this subsection—*

1 “(A) develop a pilot program that includes
2 a domestic breeding program for purpose-bred
3 explosives detection canines; and

4 “(B) increase the current number of capa-
5 bility assessments of explosives detection canine
6 units to identify common challenges and gaps in
7 canine explosives detection, to provide for effec-
8 tive domestic preparedness and collective re-
9 sponse to terrorism, and to inform grant guid-
10 ance and priorities, consistent with national ca-
11 pabilities database efforts;

12 “(2) continue development of a scientifically-
13 based training curriculum to enhance consensus-based
14 national training and certification standards to pro-
15 vide for effective domestic preparedness and collective
16 response to terrorism through the effective use of ex-
17 plosives detection canines for explosives detection ca-
18 nines; and

19 “(3) continue engagement in explosives detection
20 canine research and development activities through
21 partnerships with the Science and Technology Direc-
22 torate and the Technical Support Working Group.

1 **“SEC. 210G. NATIONAL STRATEGY.**

2 “(a) *IN GENERAL.*—*The Secretary shall develop and*
3 *periodically update a national strategy to prevent and pre-*
4 *pare for terrorist explosive attacks in the United States.*

5 “(b) *DEVELOPMENT.*—*Not later than 90 days after the*
6 *date of the enactment of this section, the Secretary shall*
7 *develop the national strategy required under subsection (a).*

8 “(c) *REPORTING.*—*Not later than six months after the*
9 *date of the submission of the report regarding each quadren-*
10 *nial homeland security review conducted under section 707,*
11 *the Secretary shall submit to the Committee on Homeland*
12 *Security of the House of Representatives and the Committee*
13 *on Homeland Security and Governmental Affairs of the*
14 *Senate a report regarding the national strategy required*
15 *under subsection (a), which shall include recommendations,*
16 *if any, for deterring, preventing, detecting, protecting*
17 *against, and responding to terrorist attacks in the United*
18 *States using explosives or improvised explosive devices, in-*
19 *cluding any such recommendations relating to coordinating*
20 *the efforts of Federal, State, local, and tribal governments,*
21 *emergency response providers, and the private sector.”.*

22 “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
23 *table of contents in section 1(b) of the Homeland Security*
24 *Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting*
25 *after the item relating to section 210E the following new*
26 *items:*

“Sec. 210F. Office for Bombing Prevention.
 “Sec. 210G. National strategy.”.

1 **SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND**
 2 **TRANSFER.**

3 (a) *IN GENERAL.*—*Title III of the Homeland Security*
 4 *Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding*
 5 *at the end the following new sections:*

6 **“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

7 “(a) *IN GENERAL.*—*The Secretary, acting through the*
 8 *Under Secretary for Science and Technology, and in coordi-*
 9 *nation with the Under Secretary for National Protection*
 10 *and Programs, the Attorney General, the Secretary of De-*
 11 *fense, and the head of any other relevant Federal depart-*
 12 *ment or agency, shall ensure coordination and information*
 13 *sharing regarding nonmilitary research, development, test-*
 14 *ing, and evaluation activities of the Federal Government*
 15 *relating to the detection and prevention of, protection*
 16 *against, and response to terrorist attacks in the United*
 17 *States using explosives or improvised explosive devices, and*
 18 *the development of tools and technologies necessary to neu-*
 19 *tralize and disable explosive devices.*

20 “(b) *LEVERAGING MILITARY RESEARCH.*—*The Sec-*
 21 *retary, acting through the Under Secretary for Science and*
 22 *Technology, and in coordination with the Under Secretary*
 23 *for National Protection and Programs, shall coordinate*
 24 *with the Secretary of Defense and the head of any other*

1 relevant Federal department or agency to ensure that, to
2 the maximum extent possible, military policies and proce-
3 dures, and research, development, testing, and evaluation
4 activities relating to the detection and prevention of, protec-
5 tion against, and response to terrorist attacks using explo-
6 sives or improvised explosive devices, and the development
7 of tools and technologies necessary to neutralize and disable
8 explosive devices, are adapted to nonmilitary uses.

9 **“SEC. 319. TECHNOLOGY TRANSFER.**

10 “(a) *IN GENERAL.*—The Secretary, acting through the
11 Under Secretary for Science and Technology, and in coordi-
12 nation with the Under Secretary for National Protection
13 and Programs, shall establish a technology transfer pro-
14 gram to facilitate the identification, modification, and com-
15 mercialization of technology and equipment for use by Fed-
16 eral, State, and local governmental agencies, emergency re-
17 sponse providers, and the private sector to deter, prevent,
18 detect, protect, and respond to terrorist attacks in the
19 United States using explosives or improvised explosive de-
20 vices.

21 “(b) *PROGRAM.*—The activities under the program es-
22 tablished under subsection (a) shall include—

23 “(1) applying the analysis conducted under sec-
24 tion 210F(b)(3) of the capabilities and requirements
25 of bomb squad, explosive detection canine teams, tac-

1 *tical teams, and public safety dive teams of Federal,*
2 *State, and local governments, to determine the train-*
3 *ing and technology requirements for Federal, State,*
4 *and local governments, emergency response providers,*
5 *and the private sector;*

6 *“(2) identifying available technologies designed*
7 *to deter, prevent, detect, protect, or respond to ter-*
8 *rorist attacks using explosives or improvised explosive*
9 *devices that have been, or are in the process of being,*
10 *developed, tested, evaluated, or demonstrated by the*
11 *Department, other Federal agencies, the private sec-*
12 *tor, foreign governments, or international organiza-*
13 *tions;*

14 *“(3) reviewing whether a technology described in*
15 *paragraph (2) may be useful in assisting Federal,*
16 *State, or local governments, emergency response pro-*
17 *viders, or the private sector in detecting, deterring,*
18 *preventing, or responding to terrorist attacks using*
19 *explosives or improvised explosive devices; and*

20 *“(4) communicating to Federal, State, and local*
21 *governments, emergency response providers, and the*
22 *private sector the availability of any technology de-*
23 *scribed in paragraph (2), including providing the*
24 *specifications of any such technology, indicating*
25 *whether any such technology satisfies appropriate*

1 standards, and identifying grants, if any, available
 2 from the Department to purchase any such tech-
 3 nology.

4 “(c) *WORKING GROUP.*—To facilitate the transfer of
 5 military technologies, the Secretary, acting through the
 6 Under Secretary for Science and Technology, in coordina-
 7 tion with the Secretary of Defense, and in a manner con-
 8 sistent with protection of sensitive sources and methods,
 9 shall establish a working group to advise and assist in the
 10 identification of military technologies designed to deter,
 11 prevent, detect, protect, or respond to terrorist explosive at-
 12 tacks that are in the process of being developed, or are devel-
 13 oped, by the Department of Defense or the private sector.”.

14 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
 15 table of contents in section 1(b) of the Homeland Security
 16 Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting
 17 after the item relating to section 317 the following new
 18 items:

“Sec. 318. *Explosives research and development.*

“Sec. 319. *Technology transfer.*”.

19 **SEC. 4. GAO STUDY OF EXPLOSIVES DETECTION CANINE**
 20 **TEAMS.**

21 Section 1307(f) of the Implementing Recommendations
 22 of the 9/11 Commission Act of 2007 (Public Law 110–53;
 23 121 Stat. 395) is amended by striking “utilization” and
 24 all that follows through the end of the sentence and inserting

1 “utilization of explosives detection canine teams, by the
2 Transportation Security Administration and all other
3 agencies of the Department of Homeland Security that uti-
4 lize explosives detection canines, to strengthen security and
5 the capacity of explosive detection canine detection teams
6 of the Department.”.

7 **SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.**

8 *The Secretary of Homeland Security shall submit a*
9 *report to the Committee on Homeland Security of the House*
10 *of Representatives and the Committee on Homeland Secu-*
11 *rity and Governmental Affairs of the Senate by not later*
12 *than 180 days after the date of the enactment of this Act*
13 *examining the administration of canine procurement ac-*
14 *tivities by the Department of Homeland Security to deter,*
15 *prevent, detect, and protect against terrorist explosive at-*
16 *tacks in the United States, that includes consideration of*
17 *the feasibility of reducing the price paid for the procure-*
18 *ment of untrained canines, including by utilizing an ex-*
19 *panded pool of breeds, procuring canines from domestic*
20 *breeders, and acquiring canines from animal shelters, res-*
21 *cue societies, and other not-for-profit entities.*

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[Report No. 110-689]

A BILL

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